



National Aeronautics and
Space Administration

Principal Center for Regulatory Risk Analysis and Communication

Regulatory Tracking Summary

15 January 2010

This report summarizes regulatory items reviewed by the NASA RRAC PC. Items that appeared to have limited interest to the NASA community, or are provided for information only, are shown in light gray text. Notes and comments by the RRAC PC are shown in bold, blue text under "Description." Related documents and citations, such as "71 FR 51967," are linked to the appropriate document for quick access. Suggested follow-up actions are noted with significant items; users are advised that other follow-up actions may be appropriate for their program or facility.

Previous issues of this regulatory summary are archived on the RRAC PC website at <http://www.nasa.gov/offices/rrac/home/>. Comments, questions, suggestions, and requests for further information should be directed to the RRAC PC Manager, Sharon Scroggins at 256-544-7932 (sharon.scroggins@nasa.gov).

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Acronyms

C&D = Construction and demolition
CAA = Clean Air Act
CCA = Chromated copper arsenate
CCR = *California Code of Regulations*; also *Colorado Code of Regulations*
CDPHE = Colorado Department of Public Health and Environment
CERCLA = Comprehensive Environmental Response, Compensation, and Liability Act
CFR = *Code of Federal Regulations*
COMAR = Code of Maryland Regulations
CRNR = California Regulatory Notice Register
CRT = Cathode Ray Tubes
DHWM = Division of Hazardous Waste Management
ECHA = European Chemicals Agency
EPA = U.S. Environmental Protection Agency
F.A.C. = Florida Administrative Code
FAW = *Florida Administrative Weekly*
FDEP = Florida Department of Environmental Protection
FR = *Federal Register*
GHG = Greenhouse gas
HAP = Hazardous Air Pollutants
IRIS = Integrated Risk Information System
MDE = Maryland Department of the Environment
MS4 = Municipal Separate Storm Sewer Systems
NAAQS = National Ambient Air Quality Standards
NASA = National Aeronautics and Space Administration
NO_x = Nitrogen oxide
NRC = Nuclear Regulatory Commission

NTSB = National Transportation Safety Board
PM = Particulate matter
ppm = Parts per million
ppt = Parts per trillion
PRG = Preliminary Remediation Goals
PSD = Prevention of Significant Deterioration
RCRA = Resource Conservation and Recovery Act
RIN = Regulatory Identification Number
RRAC PC = Principal Center for Regulatory Risk Analysis and Communication
SF₆ = Sulfur hexafluoride
SIP = State Implementation Plan
SJRWMD = St. Johns River Water Management District
SJVUAPCD = San Joaquin Valley Unified Air Pollution Control District
SO₂ = Sulfur Dioxide
SVHC = Substances of Very High Concern
TAC = Texas Administrative Code
TCEQ = Texas Commission on Environmental Quality
TMDL = Total Maximum Daily Load
U.S. = United States
USFWS = U.S. Fish and Wildlife Service
VAC = Virginia Administrative Code
Va.R. = *Virginia Register*
VCAPCD = Ventura County Air Pollution Control District
VDECS = Verified diesel emission control strategy
VDEQ = Virginia Department of Environmental Quality
VOC = Volatile organic compound

1.0 U.S. Federal Regulatory Review

1.1 Federal Register Summary

This summary includes FR items that were reviewed for potential impacts to NASA Centers and Programs.

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED01152010-1	Air NAAQS–Ozone	01/12/2010	75 FR 1566	Notice	<p>Public Hearings for Reconsideration of the 2008 National Ambient Air Quality Standards for Ozone</p> <p>Announces three public hearings to be held for the proposed rule, "Reconsideration of the 2008 National Ambient Air Quality Standards for Ozone," which was signed on 01/06/2010, and will be published in an upcoming <i>Federal Register</i>. Hearings are scheduled for :</p> <ul style="list-style-type: none"> ▪ Arlington, Virginia, on 02/02/2010 ▪ Houston, Texas, on 02/02/2010 ▪ Sacramento, California, on 02/04/2010. <p>Additional information, including the proposed rule, is available on EPA's website.</p> <p>See Other News below for more information.</p>	
FED01152010-2	Aircraft Incidents and Accidents	01/07/2010	75 FR 922	Final Rule	<p>National Transportation Safety Board</p> <p>Notification and Reporting of Aircraft Accidents or Incidents and Overdue Aircraft, and Preservation of Aircraft Wreckage, Mail, Cargo, and Records [49 CFR Part 830]</p> <p>Amends regulations concerning notification and reporting requirements regarding aircraft accidents or incidents. Requires operators to report certain incidents to the NTSB. Also amends existing regulations to provide clarity and to ensure that the appropriate means for notifying the NTSB of a reportable incident is listed correctly in the regulation. Effective 03/10/2010.</p>	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED01152010-3	CERCLA Financial Responsibility	01/06/2010	75 FR 816	Notice	<p>Identification of Additional Classes of Facilities for Development of Financial Responsibility Requirements Under CERCLA Section 108(b) [40 CFR Part 320]</p> <p>Identifies classes of facilities within three industries as those for which EPA plans to develop, as necessary, a proposed regulation identifying appropriate financial responsibility requirements under CERCLA. The classes of facilities are as follows:</p> <ul style="list-style-type: none"> Chemical manufacturing Petroleum and coal products manufacturing Electric power generation, transmission, and distribution <p>Also identifies the following classes of facilities as requiring further study before EPA begins the regulatory development process:</p> <ul style="list-style-type: none"> Waste management and remediation services Wood product manufacturing Fabricated metal product manufacturing Electronics and electrical equipment manufacturing Facilities engaged in the recycling of materials containing CERCLA hazardous substances. <p>Comments due 02/05/2010. [RIN 2050-AG56]</p>	
FED01152010-4	CERCLA and RCRA Dioxin in Soils	01/07/2010	75 FR 984	Notice	<p>Draft Recommended Interim Preliminary Remediation Goals for Dioxin in Soil at CERCLA and RCRA Sites</p> <p>Announces a public comment period for draft recommended interim preliminary remediation goals for dioxin in soil at CERCLA and RCRA sites. Comments due 02/26/2010.</p> <p>See Other News below for more information.</p>	
FED01152010-5	Enforcement and Compliance Assurance Priorities	01/04/2010	75 FR 146	Notice	<p>Public Comment on Candidate National Enforcement and Compliance Assurance Priorities for Fiscal Years 2011-2013</p> <p>Solicits public comment and recommendations on a set of candidate enforcement and compliance priorities to be addressed for fiscal years 2011 to 2013. EPA selects these priority areas every 3 years to focus federal resources on the most important environmental problems where noncompliance is a significant contributing factor. Comments due 01/19/2010.</p>	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED01152010-6	Explosives	01/08/2010	75 FR 1085	Notice	<p>Bureau of Alcohol, Tobacco, Firearms and Explosives</p> <p>Commerce in Explosives; List of Explosive Materials</p> <p>Publishes the 2009 List of Explosive Materials. Removes ammonium perchlorate composite propellant, because it is no longer regulated under the federal explosives laws as a result of a recent court decision. Also revises the list to include a parenthetical text after "ammonium perchlorate explosive mixtures" to clarify that this term excludes ammonium perchlorate composite propellant. Effective 01/08/2010.</p>	NASA facilities and programs should be aware of this revision.
FED01152010-7	Hazardous Materials Transportation Batteries and Battery-powered Devices	01/04/2010	75 FR 63	Final Rule	<p>Pipeline and Hazardous Materials Safety Administration</p> <p>Hazardous Materials: Revision to Requirements for the Transportation of Batteries and Battery-Powered Devices; and Harmonization With the United Nations Recommendations, International Maritime Dangerous Goods Code, and International Civil Aviation Organization's Technical Instructions; Correction [49 CFR Parts 171, 172, 173, 175, and 178]</p> <p>Corrects several errors in the final rule (74 FR 2199, 01/14/2009) amending the Hazardous Material Regulations addressing the safe transportation of batteries and battery-powered devices. Effective 01/04/2010. Applicable 01/01/2010. [RIN 2137-AE54]</p>	
FED01152010-8	Hazardous Materials Transportation Lithium Batteries	01/11/2010	75 FR 1302	Proposed Rule	<p>Pipeline and Hazardous Materials Safety Administration</p> <p>Hazardous Materials: Transportation of Lithium Batteries [49 CFR Parts 172, 173, and 175]</p> <p>Proposes to amend requirements on the transportation of lithium cells and batteries, including lithium cells and batteries packed with or contained in equipment. Proposed changes are intended to enhance safety by ensuring that all lithium batteries are designed to withstand normal transportation conditions. Would include provisions to ensure that all lithium batteries are packaged to reduce the possibility of damage that could lead to a catastrophic incident and to minimize the consequences of an incident. In addition, lithium batteries would be accompanied by hazard communication that ensures appropriate and careful handling by air carrier personnel, including the flight crew, and informs both transport workers and emergency response personnel of actions to be taken in an emergency. Comments due 03/12/2010. [RIN 2137-AE44]</p>	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED01152010-9	Marine Protected Areas	01/07/2010	75 FR 972	Notice	National Oceanic and Atmospheric Administration Nomination of Existing Marine Protected Areas to the National System of Marine Protected Areas Invites comments on sites nominated to be included in the National System of Marine Protected Areas. Comments due 02/22/2010.	
FED01152010-10	Radiation Tritium Exit Signs	01/12/2010	75 FR 1559	Notice	Nuclear Regulatory Commission Association of State and Territorial Solid Waste Management Officials; Notice of Receipt of Petition for Rulemaking [10 CFR Part 32] Requests comment on a petition for rulemaking requesting amendments to regulations and/or guidance to improve the labeling and accountability of tritium exit signs. Comments due 03/29/2010.	
FED01152010-11	Risk Assessment Toxicogenomic Data	01/13/2010	75 FR 1770	Notice	An Approach to Using Toxicogenomic Data in EPA Human Health Risk Assessments: A Dibutyl Phthalate Case Study Announces the availability of a final report titled, " An Approach to Using Toxicogenomic Data in U.S. EPA Human Health Risk Assessments: A Dibutyl Phthalate Case Study ." Toxicogenomics is the application of genomic technologies (transcriptomics and genome sequence analysis) to study effects of environmental chemicals on human health and the environment. Currently, EPA provides no guidance for evaluating and incorporating genomic data into risk assessment. Report includes the development of exploratory methods for analyzing genomic data for application to risk assessment and some preliminary results. Also describes recommendations for risk assessors, research needs, and future directions for generating and applying genomic data in risk assessment.	
FED01152010-12	Ships Cargo Securing	01/08/2010	75 FR 1070	Notice	U.S. Coast Guard Cargo Securing Methods for Packages in Transport Vehicles or Freight Containers Requests comments on methods for securing cargo in transport vehicles and freight containers to evaluate whether a standardized approval or certification process or improved performance criteria for flexible strapping securing systems is needed. Under current U.S. regulations and international codes, there is no certification or qualification standard for blocking, bracing, or using strapping systems for securing cargo. The specific method for securing cargo is left to the discretion of the individual or company packing the container. Comments due 03/09/2010.	

RRAC PC Tracking Number	Subject	Date	Citation	Type Action	Description	Suggested Actions
FED01152010-13	Toxic Substances Methanol	01/12/2010	75 FR 1617	Notice	Draft Toxicological Review of Methanol: In Support of the Summary Information in the Integrated Risk Information System Announces a public comment period and a public listening session for the external review draft document titled, " Toxicological Review of Methanol: In Support of Summary Information on the Integrated Risk Information System (IRIS) ." Listening session to be held 02/23/2010. Comments due 03/15/2010.	

1.2 Other News and Developments

1.2.1 EPA Strengthens the National Ambient Air Quality Standards for Ozone Standard

EPA has proposed a rule to revise the primary and secondary NAAQS for ozone. The agency is proposing to set the "primary" standard at a level between 0.060 and 0.070 ppm, measured over 8 hours. EPA also is proposing to set a separate "secondary" standard within the range of 7 to 15 ppm-hour.

Changes to the primary standard could result in changes to counties designated as nonattainment areas for ozone. If the NAAQS is lowered, additional counties may be designated as nonattainment areas. NASA Centers, contractors, and vendor facilities located in such counties may become subject to additional emission control requirements, more stringent permitting requirements, and requirements to perform conformity analyses. The public comment period on the proposed rule will be open for 60 days after publication in the *Federal Register*. Two public hearings will be held during the comment period.

More information about the proposed rule is available on EPA's ground level ozone [website](#). Additionally, RRAC PC is developing a regulatory summary regarding the proposed rule. The summary will be available on the [RRAC website](#).

1.2.2 EPA Seeks Input on Interim Dioxin Cleanup Goals

EPA announced [[75 FR 984](#)] a 50-day public comment period for draft preliminary remediation goals (PRGs) for cleanup of dioxins in soil that are listed in the [Draft Recommended Interim Preliminary Remediation Goals for Dioxin in Soil at Comprehensive Environmental Response, Compensation, and Liability Act \(CERCLA\) and Resource Conservation and Recovery \(RCRA\) Sites](#) guidance document. The PRGs proposed are 72 parts per trillion (ppt) of dioxin for residential land uses (reduced from 1,000 ppt) and 950 ppt for commercial and industrial land uses (reduced from a range of 5,000 to 20,000 ppt). According to EPA, the PRGs are not meant to act as site-specific cleanup levels, but as initial guidelines for use in deciding the scope of characterizing pollution and cleanup options.

EPA's draft interim levels were developed using estimates for the toxicity of dioxin and generic exposure assumptions. The goals consider the potential absorption of dioxin through skin exposure, which the EPA said provides a tool for site evaluation that was not available when previous goals were set.

EPA also is working to complete a dioxin risk assessment by the end of 2010 that has been under extended review.

EPA will take public comments about the draft interim goals until 26 February 2010. After comments are processed, EPA anticipates issuing the final interim goals in June 2010. For more information about how to comment, visit EPA's [website](#).

1.2.3 U.S. Nuclear Regulatory Commission (NRC) Safety Culture Policy

The NRC published a draft policy statement regarding safety culture in the *Federal Register* (6 November 2009, [74 FR 57525](#)) for a 90-day public comment period that ends 4 February 2010. The draft policy statement proposes a definition of safety culture that eventually could be considered for implementation into NRC's oversight programs. Agreement States, such as Maryland, will be encouraged to support the safety culture policy statement and to use the terminology. Additional information about the draft policy statement can be found at: <http://www.mde.state.md.us/>.

1.3 Regulatory Communication Working Group Updates

Regulatory Communication Working Group Calls in 2010 will be held on the following Wednesdays at 12 p.m. CT:

- 24 February
- 17 March
- 7 April
- 28 April
- 19 May
- 9 June
- 30 June
- 21 July
- 11 August
- 1 September
- 22 September
- 24 November
- 15 December

2.0 State Regulatory Reviews

The following sections provide details about the regulatory actions reviewed for selected states in which NASA facilities and related operations are located.

2.1 Alabama State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Alabama.

2.2 California State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in California. Citations of the [CRNR](#) are linked to the appropriate volume of the Register, which is published in Adobe Acrobat (pdf) file format.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA01152010-1	Air Diesel Emissions	01/15/2010	CRNR 2010. 3z p. 92	Final Rule	Air Resource Board In-Use Off-Road Diesel Vehicles 2009 [13 CCR 2449, 2449.1, 2449.2] Extends the deadline for double retrofit credit for fleets that have installed the highest level of VDECS by 10 months. Effective 01/01/2010.	
CA01152010-2	Air GHGs-SF ₆	01/08/2010	CRNR 2010. 2z p. 60	Notice Public Hearing	Air Resource Board Reduction of Sulfur Hexafluoride Emissions from Gas Insulated Switchgear 2010 [17 CCR 95350-9] Proposes to reduce SF ₆ emissions from gas-insulated switchgear used in electric power systems. Public hearing 02/25/2010.	
CA01152010-3	Air GHGs-SF ₆	01/08/2010	CRNR 2010. 2z p. 68	Final Rule	Air Resource Board Non-Semiconductor 2009 [17 CCR 95340-6] Adopts a regulatory program intended to reduce SF ₆ emissions. Effective 01/01/2010.	
CA01152010-4	Air SIPs-Los Angeles-South Coast Air Basin (and others)	01/05/2010	75 FR 232	Final Rule	U.S. Environmental Protection Agency Finding of Failure To Submit Certain State Implementation Plans Required for the 1-Hour Ozone NAAQS [40 CFR 52] The State of California has failed to submit revisions to its SIPs for three ozone nonattainment areas to satisfy certain requirements of the CAA for the 1-hour ozone NAAQS. EPA issued guidance to states on developing the required SIP revisions. Effective 01/05/2010.	
CA01152010-5	Air SIP-SJVUAPCD	01/13/2010	75 FR 1716	Final Rule	U.S. Environmental Protection Agency Revisions to the California SIP, San Joaquin Valley Unified Air Pollution Control District [40 CFR 52] Finalizes a limited approval and limited disapproval of revisions to the SJVUAPCD portion of the California SIP concerning a local fee rule that applies to major sources of VOC and NO _x emissions in the San Joaquin Valley ozone nonattainment area. Effective 02/12/2010.	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CA01152010-6	Air SIP-SJVUAPCD	01/13/2010	75 FR 1715	Final Rule	U.S. Environmental Protection Agency Revision to the California SIP, San Joaquin Valley Unified Air Pollution Control District [40 CFR 52] Finalizes approval of revisions to the SJVAPCD portion of the SIP concerning NO _x and PM emissions from boilers of various capacities. Effective 02/12/2010.	
CA01152010-7	Air SIP-VCAPCD	01/11/2010	75 FR 1284	Final Rule	U.S. Environmental Protection Agency Revision to the California SIP, Ventura County Air Pollution Control District [40 CFR 52] Finalizes revisions to the VCAPCD portion of the California SIP concerning the permitting of new and modified sources. Effective 02/10/2010.	
CA01152010-8	Occupational Safety Fire	01/08/2010	CRNR 2010, 2z, p. 67	Disapproval Decision	Department of Transportation Disapproval Decision [21 CCR 1411.7] Disapproves the proposed amendment sought to define the term "fire apparatus," increase the allowable length of a single unit fire apparatus, increase the weight limit on a steering axle and a single drive axle, and provide that a fire apparatus meeting the requirements of this regulation may be operated on state and local roadways without a transportation permit.	
CA01152010-9	Species Leatherback Sea Turtle	01/05/2010	75 FR 319	Proposed Rule Request for Comments	Department of Commerce Endangered and Threatened Species: Proposed Rule to Revise the Critical Habitat Designation for the Endangered Leatherback Sea Turtle [50 CFR 226] Proposes to revise the current critical habitat for the leatherback sea turtle by designating additional areas within the Pacific Ocean. Supporting documents available online . Comments due 03/08/2010.	

2.3 Colorado State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA related operations in Colorado.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CO01152010-1	Air Ambient Air Quality Standards	01/10/2010	CO Register Vol. 33, No. 01	Proposed Rule	Colorado Department of Public Health and Environment 5 CCR 1001 Air Quality Control Commission Proposes the following revisions to 5 CCR 1001-14 Ambient Air Quality Standards: <ul style="list-style-type: none"> Remove the ambient air quality standards in the Ambient Air Table in Section II. Remove the state-only PSD SO₂ increments in Section I.B. Make administrative changes, including typographical, grammatical, and formatting corrections, as necessary. A hearing is scheduled for 03/18/2010 at Island Grove Regional Park in Greeley, Colorado.	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CO01152010-2	Air Common Provisions	01/10/2010	CO Register Vol. 33, No. 01	Final Rule	<p>Colorado Department of Public Health and Environment</p> <p>5 CCR 1001 Air Quality Control Commission</p> <p>Revises 5 CCR 1001-2 Common Provisions Regulation as follows:</p> <ul style="list-style-type: none"> Revisions to definitions found in Section I.G. were made to be consistent with federal definitions. <p>Effective 01/30/2010.</p>	
CO01152010-3	Air Carbon Monoxide Emissions	01/10/2010	CO Register Vol. 33, No. 01	Final Rule	<p>Colorado Department of Public Health and Environment</p> <p>5 CCR 1001 Air Quality Control Commission</p> <p>Revises 5 CCR 1001-16 Reduction of Carbon Monoxide Emissions from Gasoline Powered Motor Vehicles, as follows:</p> <ul style="list-style-type: none"> Two control areas constituting separate Oxygenated Gasoline Program control areas are proposed for the following counties and Air Program areas: 1) Larimer County and a Portion of Weld County; and 2) Adams, Arapahoe, Boulder, Broomfield, Denver, Douglas, and Jefferson counties. Control periods for each of the control areas, and Class A fuel requirements are specified. <p>Effective 01/30/2010.</p>	
CO01152010-4	Air HAPs	01/10/2010	CO Register Vol. 33, No. 01	Proposed Rule	<p>Colorado Department of Public Health and Environment</p> <p>5 CCR 1001 Air Quality Control Commission</p> <p>Proposes the following revisions to 5 CCR 1001-10 Regulation Number 8 Control of Hazardous Air Pollutants (HAP):</p> <ul style="list-style-type: none"> Incorporate by reference federal standards in 40 CFR Part 63, subparts A, G, H, R, U, M, HH,GGG, HHH, JJJ, EEE, VVV, EEEE, FFFF, UUUU, BBBB, EEEEE, GGGGG, HHHHH, MMMMM, NNNNN, OOOOO, PPPPP, and QQQQQ, into Regulation Number 8, Part E. <p>A hearing is scheduled for 03/18/2010 at Island Grove Regional Park in Greeley, Colorado.</p>	
CO01152010-5	Hazardous Materials and Waste Definitions	01/10/2010	CO Register Vol. 33, No. 01	Proposed Rule	<p>Colorado Department of Public Health and Environment</p> <p>1007 Hazardous Materials and Waste Management Division</p> <p>Proposes revisions 6-CCR 1007-2 Part 1 Solid Waste Disposal Sites and Facilities to:</p> <ul style="list-style-type: none"> Amend Section 1.2 to modify agricultural waste definition and to add a definition of "all hazards event." <p>A hearing is scheduled for 02/16/2010 at CDPHE in Denver, Colorado.</p>	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
CO01152010-6	Hazardous Materials and Waste Listings	01/10/2010	CO Register Vol. 33, No. 01	Proposed Rule	<p>Colorado Department of Public Health and Environment</p> <p>1007 Hazardous Materials and Waste Management Division</p> <p>Proposes revisions 6-CCR 1007-3 Hazardous Waste to:</p> <ul style="list-style-type: none"> Amend the K901 and K902 mustard agent listings in § 261.32(a) (Hazardous Waste from Specific Sources) and Appendix VII of Part 261 (Basis for Listing Hazardous Waste), and add the K901, K902, P909, and P910 listings to the Treatment Standards for Hazardous Waste table in § 268.40 of the Colorado Hazardous Waste Regulations (6 CCR 1007-3). Correct a typographical error in the header of the table in § 268.40. <p>A hearing is scheduled for 02/16/2010 at CDPHE in Denver, Colorado.</p>	
CO01152010-7	Water Groundwater	01/10/2010	CO Register Vol. 33, No. 01	Proposed Rule	<p>Colorado Department of Natural Resources</p> <p>410 Groundwater Commission</p> <p>Proposes revisions 2 CCR 410-1 Rules and Regulations for the Management and Control of Designated Groundwater to:</p> <ul style="list-style-type: none"> Amend Rule 5.2.7 to re-define the extent of the Upper Big Sandy alluvial aquifer and to determine that the Upper Big Sandy alluvial aquifer is over appropriated. <p>A hearing is scheduled for 08/20/2010 at Town of Castle Rock, Colorado.</p>	
CO01152010-8	Water Wastewater	01/14/2010	CO Register Vol. 33, No. 03	Final Rule	<p>Colorado Department of Public Health and Environment</p> <p>1003 Water Quality Control Commission</p> <p>Revises 5 CCR 1003-2 Regulation Number 100–Water and Wastewater Facility Operators Certification Requirements:</p> <ul style="list-style-type: none"> Modifies Section 100.22.2 to establish examination fees for online testing. Modifies references to “written examinations” in Sections 100.9.6, 100.9.8, 100.11.1, 100.11.3, and 100.13.8 to accommodate electronic testing. <p>Effective 02/03/2010.</p>	

2.4 Florida State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Florida.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
FL01152010-1	Solid Waste Management Facilities	01/08/2010	FAW Notices #8121633 , #8121536 , #8121439 , #8122021 , #8121827 , #8121730 , #8122312 , #8122215 , #8122118 , #8122603 , #8122506 , #8122409 , #8122894 , #8122797 , #8122700 , #8123185 , #8123088 , #8122991 , #8123573 , #8123379 , #8123282 , #8124058 , #8123961 , #8123767 , #8124155	Final Rule	Chapter 62–FDEP 701–Solid Waste Management Facilities Amends 62-701, F.A.C., which contains regulations for a wide variety of solid waste facilities including landfills, C&D debris disposal facilities, and waste processing facilities. This chapter was revised substantially on 05/21/2001; however, technologies have progressed and statutes have been changed since that time, necessitating an update of the entire chapter. Furthermore, new research has shown that arsenic may leach from wood treated with CCA at concentrations above the FDEP's groundwater standard. Because most of this wood currently is disposed of in unlined facilities in Florida, the FDEP has concluded that Florida's groundwater may be at risk. Effective 01/06/2010.	
FL01152010-2	Species Florida Manatee	01/12/2010	75 FR 1574	Notice	U.S. Fish and Wildlife Service Endangered and Threatened Wildlife and Plants; 12-month Finding on a Petition To Revise Critical Habitat for the Florida Manatee [50 CFR Part 17] Announces a 12-month finding on a petition to revise critical habitat for the Florida manatee. Finds that the petition presents substantial scientific or commercial information indicating that a revision of the critical habitat designation for the Florida manatee may be warranted. However, sufficient funds are not available due to higher priority actions; therefore, USFWS intends to initiate rulemaking when higher priorities are completed and the necessary resources can be obtained.	
FL01152010-3	Wastewater Treatment	01/15/2010	FAW Notice #8170327	Final Rule	Chapter 62–FDEP 602–Water or Domestic Wastewater Treatment Plant Operators and Distribution System Operators 720–Inactive Status of License. Makes minor changes to procedures for individuals with null and void licenses to reapply to the department to reacquire their licenses. Effective 01/24/2010.	
FL01152010-4	Water SJRWMD	01/08/2010	FAW Notice #8091660	Notice Meeting	Chapter 40C–SJRWMD Announces a public meeting to discuss regulatory and non-regulatory matters. Scheduled for 01/12/2010 in Palatka, Florida.	
FL01152010-5	Water SJRWMD	01/08/2010	FAW Notice #8091466	Notice Meeting	Chapter 40C–SJRWMD Announces an informational workshop on Briefing on Wetland Mitigation including Mitigation Banking. Scheduled for 01/11/2010 in Palatka, Florida.	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
FL01152010-6	Water SJRWMD– Conservation Easements	1/15/2010	FAW Notice #8136862	Final Rule	Chapter 40C–SJRWMD 1.1101–Amendments to and Releases of Regulatory Conservation Easements Develops rules in Chapter 40C-1, F.A.C., to establish the terms and conditions under which the District will agree to amend or release a conservation easement conveyed to it for mitigation or in compliance with other regulatory requirements. Effective 01/12/2010.	

2.4.1 EPA Proposes Water Quality Standards for the State of Florida's Lakes and Flowing Waters

EPA proposed [numeric nutrient water quality standards](#) for lakes and flowing waters, including canals, within the State of Florida and has proposed regulations to establish a framework for Florida to develop “restoration standards” for impaired waters. EPA issued this proposed rule pursuant to a [determination](#) that EPA made on 14 January 2009, under section 303(c)(4)(B) of the Clean Water Act. The determination states that numeric nutrient water quality standards for lakes and flowing waters and for estuaries and coastal waters are necessary for the State of Florida to meet the requirements of Clean Water Act section 303(c). EPA signed the proposed rule addressing lakes and flowing waters on 14 January 2010, per the terms of a consent decree.

EPA will accept public comments about the proposed standards for 60 days following publication in the FR. EPA also will hold three public hearings regarding the proposed rule in Florida to obtain input and comments on the direction of EPA's rulemaking. For more about the proposed rule and public hearings, visit EPA's [website](#).

2.5 Louisiana State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Louisiana.

2.6 Maryland State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Maryland.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
MD01152010-1	Administrative Permits	01/15/2010	36:22 Md.R 112	Notice	Department of Environment Proposed Calendar Year 2010 Standard Permit Application Turnaround Times Proposes to revise the standard turnaround times for all types of permit applications, including the following: <ul style="list-style-type: none"> General/Individual Storm water Permits Associated with Construction Activity Individual Wastewater Discharges Permit Radioactive Materials License Air Quality Permits Oil Operations Permit Erosion/Sediment Control Storm Water Management Plan Approvals Comments due 01/25/2010.	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
MD01152010-2	Species	01/15/2010	37:21 Md.R 75	Proposed Rule	Division of Natural Resources Threatened and Endangered Species Proposes to amend regulations under COMAR 08.03.08 to list 16 new species of animals and plants in need of conservation, or that are endangered, threatened, or endangered extirpated, and to reclassify 12 species. Comments due 02/16/2010.	

2.6.1 New Judicial Review Procedures

New Judicial Review Procedures for Maryland Department of the Environment (MDE) Permits, passed by the 2009 General Assembly, took effect on 1 January 2010 and apply to final permit decisions issued on and after 1 January 2010. Under the new legislation, permits can no longer be challenged by a “contested case” adjudicatory hearing, but will now be challenged through a request for direct judicial review in the Circuit Court for the County where the activity authorized by the permit will occur. Applicable permits include, but are not limited to, air permits and wastewater discharge permits. Additional information can be found at the [MDE website](#).

2.6.2 MDE Regulations in Development

MDE is in the process of developing the following regulations of possible interest:

Revisions to Definition of Solid Waste, which will exempt secondary materials, recycled in particular ways from being regulated as solid waste provided certain conditions are met. The regulation will codify criteria for what constitutes legitimate recycling. The target effective date is spring 2011. [[COMAR 26.13.01](#), [26.13.02](#), and [26.13.07](#)].

Mixed Waste Rulemaking, which will conditionally exempt mixed waste (waste that is regulated as hazardous waste and also is radioactive) from most hazardous waste regulations provided it is managed in accordance with NRC regulations. The target effective date is spring 2010. MDE currently is finalizing its technical review. [[COMAR 26.13.10](#)]

Cathode Ray Tube Management Standards, which will streamline management standards for cathode ray tubes (CRTs) and CRT glass being recycled. The target effective date is spring 2010. MDE currently is finalizing its technical review. [[COMAR 26.13.01](#) and [26.13.02](#)]

Hazardous Waste Identification Rule-Contaminated Media and Debris, which will establish a Department-approved remedial action plan as a form of permit when operations involved in cleaning up a contaminated site would otherwise trigger permit requirements for hazardous waste treatment or disposal. The target effective date is spring 2010. MDE currently is finalizing its technical review. [[COMAR 26.13.02](#), [26.13.05](#), [26.13.06](#), and [26.13.07](#)]

Sewage Sludge Management, which will update and modernize existing regulations on sewage sludge management in the state. The target effective date is May 2010. The final draft is being reviewed by the Office of the Attorney General. [[COMAR 26.04.06](#)]

Hazardous Waste Land Disposal Restrictions, which will incorporate a federal land disposal restrictions program for hazardous waste into the state regulations. Regulations currently are being implemented in the state by EPA. The target effective date is spring 2011. MDE currently is beginning its technical review. [[COMAR 26.13.09](#)]

Aboveground Tanks, which will regulate petroleum aboveground storage systems. Their design, location, pollution protection, and material of construction can be found in this chapter.

The target effective date is spring 2011. MDE currently is beginning work on the proposal. [[COMAR 26.10.01.07-24](#)]

Spill Reporting, which will cite the level of contamination and timing of reports related to petroleum releases to the Department. The target effective date is spring 2011. MDE currently is beginning work on the proposal. [[COMAR 26.10.01.03](#)]

Additional information about developing regulations can be found at the [MDE website](#).

2.7 Mississippi State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Mississippi.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
MS01152010-1	Air SIP	01/13/2010	75 FR 1712	Final Rule	U.S. Environmental Protection Agency Approval and Promulgation of Air Quality Implementation Plans; Update to Materials Incorporated by Reference [40 CFR Part 52] Updates the Mississippi SIP as it appears in 40 CFR 52. Specifically, revises the date format listed in paragraphs 52.1270(c) and revises the date format in the "State effective date," and "EPA approval date" columns for consistency. Dates are numerical month/day/year without additional zeros. Revisions also include the correction of typographical errors in dates and citations. Effective 01/13/2010.	

2.8 New Mexico State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of New Mexico.

2.9 Ohio State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Ohio.

2.10 Texas State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Texas. Citations of the *Texas Register* are linked within the text to the corresponding entry in the version of the *Texas Register*. Current and historical versions of the *Texas Register* can be downloaded from the [Texas Register section of the Texas Secretary of State website](#).

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
TX01152010-1	Air Permitting– Public Notice	01/15/2010	35 TexReg 306	Proposed Rules	<p>Texas Commission on Environmental Quality</p> <p>Public Notice [30 TAC 39]</p> <p>Proposes amendments to the existing public participation process for air quality permit applications. Proposes to expand the scope of applications that are subject to the Notice of Application and Preliminary Decision to all air quality permit applications, except certain permit renewal applications; currently minor new source review applications are excluded from this notice requirement unless a request for a contested case hearing is received, or such request is withdrawn. Also proposes changes to specifically set forth in the rules all persons to whom notice must be given, as well as specific notice content. In addition, proposes to revise rules to segregate certain requirements for air quality permits. Public hearing to be held 01/25/2010 in Austin, Texas. Comments due 02/16/2010.</p>	
TX01152010-2	Air Permitting– Public Notice	01/15/2010	35 TexReg 341	Proposed Rules	<p>Texas Commission on Environmental Quality</p> <p>Requests For Reconsideration and Contested Case Hearings; Public Comment [30 TAC 55]</p> <p>Proposes to amend rules to require a public meeting when a request for such is received by an interested person for applications for PSD and nonattainment air quality permits and for hazardous air pollutant permits. Public hearing to be held 01/25/2010 in Austin, Texas. Comments due 02/16/2010.</p>	
TX01152010-3	Air Plantwide Applicability Limits	01/15/2010	35 TexReg 355	Proposed Rules	<p>Texas Commission on Environmental Quality</p> <p>Control of Air Pollution by Permits for New Construction or Modification</p> <p>Proposes to update a cross-reference, delete outdated references, and clarify the public notice requirement citations for plant-wide applicability limit permit applications. Public hearing to be held 01/25/2010 in Austin, Texas. Comments due 02/16/2010.</p>	
TX01152010-4	Compliance History	01/15/2010	35 TexReg 352	Proposed Rules	<p>Texas Commission on Environmental Quality</p> <p>Compliance History [30 TAC 60]</p> <p>Proposes to update a cross-reference and to make non-substantive changes to update rule language. Public hearing to be held 01/25/2010 in Austin, Texas. Comments due 02/16/2010.</p>	

2.11 Utah State Regulatory Review

2.11.1 Division of Air Quality Sulfur Dioxide Milestone Report

On 18 December 2009, the Utah Division of Air Quality released the “[Draft 2008 Regional SO₂ Emissions and Milestones Report](#).” The report is prepared voluntarily in conjunction with regulatory agencies in the states of Arizona, New Mexico, and Wyoming to provide a comparison of the previous year’s collective SO₂ emissions to established maximum milestones.

Comments pertaining to the report are due 16 February 2010. A public hearing is scheduled for 1 February 2010 at 168 North 1950 West in Salt Lake City, Utah.

2.12 Virginia State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Virginia. Citations of the [Virginia Register](#) (Va.R.) are linked to the appropriate volume of the Register, which is published in Adobe Acrobat (.pdf) file format.

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
VA01152010-1	Air VOCs	01/04/2010	23:9 Va.R. 1270	Proposed Rule (Fast-Track)	State Air Pollution Control Board Updates the state regulations to include EPA's revision of the definition of VOCs (40 CFR 51.100), which excludes propylene carbonate and dimethyl carbonate. Comments due 02/03/2010. Effective 02/18/2010.	
VA01152010-2	Plant Quarantine	01/04/2010	26:9 Va.R. 1212	Final Rule	Department of Agriculture and Consumer Services 2VAC316 Establishes a Beach Vitex (an invasive plant species) quarantine area to include Accomack County. Effective 01/08/2010.	
VA01152010-3	Water Fish Tissue	01/04/2010	23:9 Va.R. 1310	Notice	Department of Environmental Quality The 2008 and 2009 fish tissue monitoring results are available for review via the VDEQ website .	
VA01152010-4	Water Storm Water	01/04/2010	26:9 Va.R. 1186	Proposed Rule	Virginia Soil and Water Conservation Board 4VAC50-60 Proposes to establish water quality design criteria for new development activities within the Chesapeake Bay Watershed that are consistent with the TMDL Implementation Plan for the Chesapeake Bay Nutrient and Sediment TMDL. Comments due 02/03/2010.	
VA01152010-5	Water Storm Water	01/04/2010	23:9 Va.R. 1220	Final Rule	Virginia Soil and Water Conservation Board 4VAC50-60 Establishes a statewide base fee schedule for storm water projects, including the following: <ul style="list-style-type: none"> MS4s Modifications to MS4s Coverage under the general permit for construction activity Construction activity individual permits Construction activity modifications or transfers MS4 and construction activity annual permit maintenance Effective 02/03/2010.	
VA01152010-6	Water Storm water	01/04/2010	23:9 Va.R. 1230	Final Rule	Virginia Soil and Water Conservation Board 4VAC50-60 Amends the following: <ul style="list-style-type: none"> Definitions applicable to all Virginia storm water management program regulations Technical criteria applicable to storm water discharges from construction activity Establishes the following: <ul style="list-style-type: none"> Minimum criteria for locality-administered storm water management programs and Department of Conservation and Recreation-administered programs Authorization and review procedures for qualifying local programs Effective 07/01/2010.	

Tracking Number	Subject	Date Published	Ref. Page	Type Action	Description	Suggested Actions
VA01152010-7	Water Surface Water	01/04/2010	23:9 Va.R. 1311	Notice	Virginia Department of Environmental Quality VDEQ is accepting nominations for any water body or stream in the Commonwealth of Virginia to be included in the Water Quality Monitoring Plan. Nominations must be prepared using the nomination form and in accordance with the guidance document, available on the VDEQ website . Nominations due 04/30/2010.	